

**COMMERCIAL DRIVER'S LICENSE RULES
OF
THE GEORGIA DEPARTMENT OF MOTOR VEHICLE SAFETY**

**CHAPTER 1
COMMERCIAL DRIVER'S LICENSING REQUIREMENTS**

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1-1-.01 Applications.

(1) All applications for the issuance of a commercial driver's license should be submitted at least 60 days and not more than 150 days prior to testing or receiving a Commercial Driver's License.

(2) All items of information on the application must be completed in full or the application may be returned or rejected.

(3) An applicant may be exempted (Grandfathered) from the driving skills test if they can certify that during the two years preceding the CDL application date they:

(a) have not had more than one driver's license or one driver's license and instructional permit; and

(b) have not had a license revocation, suspension, or cancellation; and

(c) have not been involved in a chargeable accident; or

(d) have not received any citations which would initiate a suspension, revocation, cancellation, or disqualification;

- (e) have not had more than one conviction for a serious traffic violation within the previous two years;
 - (f) have been regularly employed in a job requiring the operation of a commercial motor vehicle representative of the commercial motor vehicle class and type the driver applicant operates or expects to operate; and
 - (g) If transferring from out of state, took and passed a behind the wheel skills test in another state in a representative vehicle for that applicant's driver's license classification.
- (4) Applicants for the issuance of a commercial driver's license who operate a school bus shall be exempted from the \$35.00 application fee. (City, County, State or Federal)
- (5) No application, driving skills test, or licensing fee will be required from applicants possessing a veteran's status license or those who have qualified through the Veteran's Administration. Such qualification shall be submitted in writing with the form DS-516 and must be attached to the commercial driver's license application when submitted to the Department. Veterans are not exempt from the fee charged for taking the driving skills test if administered by a third party tester.
- (6) Out of state CDL applicants are not exempt from the \$35.00 application fee unless:
- (a) The applicant is employed by a city, county, state, or federal school system as a school bus operator.
 - (b) A veteran's eligibility certificate (DS-516) is attached to their commercial driver's license application.
 - (c) The applicant has previously held a Georgia veteran's license and proof is shown accordingly.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A Sec. 40-16-5(c).

1-1-.02 Commercial Driver's License Exemptions.

- (1) Active duty military personnel, members of the reserves and national guard on active duty (including personnel on full time national guard duty), personnel on part-time training, and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice).
- (2) Firefighters and operators of emergency equipment are exempt from having a commercial driver's license provided their vehicles are equipped with audible and visual signals and are operated by a person in the employ of a volunteer or paid firefighting organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter, or other vehicles used only in response to emergencies are included.
- (3) Farm vehicle operators are exempt from having a commercial driver's license provided:
 - (a) The vehicle is controlled and operated by a farmer;

(b) Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm;

(c) Not used in the operations of a common or contract motor carrier; and

(d) Used within 150 miles of a person's farm.

(4) Operators of recreational vehicles are exempt from having a commercial driver's license.

(5) Drivers who are exempted from having a commercial driver's license must comply with examinations and be licensed in the appropriate Class A, B or C non-commercial drivers license. Applicants for Class A and B noncommercial must furnish an affidavit in lieu of a road test showing a minimum of 3 months or 3,000 miles driving experience in a vehicle which represents that class.

(6) If members of the national guard, military personnel, firefighters and other operators of emergency equipment, farmers and operators of recreational vehicles apply for a commercial driver's license, they will be required to pay the application, driving skills test, and license fees unless:

(a) They hold a veteran's driver's license.

(b) Attach a DS-516 to the commercial driver's license application.

(c) Employed as a school bus driver with a city, county, state or federal school system.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.03 Affidavit for Changes on CDL.

Any change of the applicant's name, sex, date of birth, or social security number will require the applicant to appear before an examiner at a driver's license facility with proof of change. The examiner will execute an affidavit which will be forwarded by the examiner on a daily basis to the CDL Unit, Department of Motor Vehicle Safety, P.O. Box 80447, Conyers, Georgia 30013. The CDL Unit shall confirm the changes and return the necessary paperwork to the applicant for him/her to appear at a driver's license facility for necessary change(s) to be made on the commercial driver's license. A fee of \$15.00 shall be charged for the renewal of a license, unless this is the initial issuance of a license or applicant has a veteran's status drivers license or DS-516.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.04 Minimum Physical Requirements Required to Obtain a Commercial Driver's License.

(1) Applicants must comply with minimum Federal requirements as set forth in Federal Motor Carrier Safety Regulations, Sec. 391-41.

(2) Applicants shall have a distant visual acuity of at least 20/40 in each eye without corrective lenses or visual acuity separately corrected to 20/40 or better with corrective lenses; distant binocular acuity of at least 20/40 in both eyes; or without corrective lenses, field of vision of at least 70 in the horizontal meridian in each eye; and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.05 Exemptions from Medical Requirements.

(1) Operators of city, county, state, or federal vehicles are exempt from the medical requirements.

(2) Drivers who operate on an occasional basis receive no compensation and are not involved in commercial enterprise.

(3) Hauling of personal property, human corpses or the sick or injured.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.06 Driver Qualifications.

(1) 21 years of age.

(a) Applicants between ages 18-20 years of age upon completion of an application and required testing shall be issued a commercial drivers license with a "Georgia Only" restriction.

(2) Pass all applicable written tests, if required;

(3) Pass all driving skills tests in a vehicle representative of the class applied for, if required;

(4) Comply with the minimum federal standards as set forth in Federal Motor Carrier Safety Regulations Sec. 391.41.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.07 Suspensions.

(1) A lifetime period of suspension may be reduced to 10 years after an applicant furnishes proof of rehabilitation, approved by the Department of Motor Vehicle Safety.

(2) Drivers possessing a commercial driver's license that is suspended, revoked or canceled shall not be issued a limited permit or probationary license to operate a commercial vehicle.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.08 Failures Written/Skills Test.

(1) Upon a first failure, the applicant must wait until the next day before taking the examination.

(2) Upon a second failure, the applicant must wait 7 days before retaking the examination.

(3) Upon the third failure, the applicant must wait 30 days before retaking the examination.

(4) After a fourth failure, the applicant must reapply through the Commercial Driver's License Unit.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.09 Knowledge Test and Endorsement Tests.

(1) Applicants attempting to obtain a commercial driver's license and/or instructional permit of any class shall be required to take and pass the CDL general knowledge test.

(2) Applicants for all classes of commercial driver's license including instructional permits, must receive a grade of at least 80 percent out of a possible 100 percent on the appropriate knowledge test per 49 CFR Part 383.

(3) Out of state applicants who move to Georgia and have a commercial driver's license issued from their prior state of residence will be required to apply for a Georgia CDL by making application through the CDL Unit and paying the appropriate fee. However, these licenses will be exchanged one for one, with the exception of the H endorsement. Applicants will be required to pass the knowledge test to maintain this endorsement. If applicants apply for a higher class of commercial drivers license or additional endorsements, the necessary test(s) will be required.

(4) Applicants for commercial driver's license and commercial instructional permits of classes A and B, whose vehicles are equipped with air brakes, must pass the Air Brakes test.

(5) Applicants may take the written test a total of two times before being required to pay another application fee.

(6) Applicants must pass the specific endorsement written test before the endorsement can be applied to the license.

(7) The initial license issuance fee, regardless of how many endorsements are added, will be \$15.00.

(8) After the initial commercial driver's license issuance, additional endorsements may be added upon passing the test(s) for the additional endorsements requested. A fee of \$5.00 for each additional endorsement may be assessed, plus \$15.00 license renewal fee.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A Sec. 40-16-5(c).

1-1-.10 Vehicle Requirements - Commercial Driver's License Skills Test.

(1) No commercial driver's license skills test shall be given in a vehicle loaded with cargo.

(2) The vehicle shall be furnished by the applicant and will have a safe passenger seat for the examiner. Vehicle shall be insured pursuant to Georgia law.

(3) The vehicle shall have a data plate containing the GVWR for the vehicle. The GVWR will be checked to ensure that the vehicle in which the applicant takes the skills test is representative of the vehicle group the applicants expects to operate.

(4) All vehicles used in skills test must be in safe operating condition. Any defects in the following items will constitute an unsafe vehicle and will disqualify the vehicle from being utilized in the skills test.

(a) Service Brakes, including trailer brake connection;

(b) Parking Brake;

(c) Steering mechanisms;

(d) Lighting Devices and mechanisms;

(e) Tires:

at least 4/32 tread on front; and

at least 2/32 tread on all other tires;

(f) Horn;

(g) Windshield;

(h) Windshield wipers;

(i) Coupling Devices

(j) Rear vision mirrors;;

(k) Wheel and Rims;

(l) Emergency equipment;

(m) Doors;

(n) Exhaust System;

(o) Frame;

(p) Fuel Tank.

(5) Skills test will be given in order of increasing difficulty.

(6) Skills test may be given in all weather conditions; provided the weather creates no hazard for the applicant or the examiner.

(7) Prior to the Department giving a skills test, the applicant must pay a \$50.00 test fee, unless applicant has veteran's status and is tested by the state. An applicant may take the test two times without paying another \$50.00 fee.

(8) Skills tests taken in vehicles without air brakes will result in the commercial drivers license being issued with an air brakes restriction.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.11 Skills Test Disqualifications.

(1) An applicant for a Commercial Driver's License shall be immediately disqualified on his driving skills test for the following:

(a) Accident, including contact with another motor vehicle, pedestrian, other property, including running off the road unless, in the opinion of the examiner, the applicant was not at fault.

(b) Any act considered dangerous, including actions which require defensive driving by another to prevent an accident, or dodging by a pedestrian, or which require the observer to aid in controlling the vehicle; stalling the vehicle in a busy intersection: or driving two wheels over a curb or onto a sidewalk.

(c) Any traffic law violation, including any act for which the applicant could be arrested; or any act which might make the applicant liable for damages in case of an accident.

(d) Lack of cooperation, refusal to perform, or refusal to try to maneuver; offering bribes or gratuities; arguing about the score.

(e) For failure to perform air brakes check during the engine start procedure of the Vehicle Inspection Test, if so equipped.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A Sec. 40-16-5(c).

1-1-.12 Skills Test for Commercial Driver's License.

(1) Vehicle must meet safety standards as established by the Department of Motor Vehicle Safety.

(2) Vehicle Inspection Test (all vehicles except Class C).

(3) All items will be credited on the score form, except those items pertaining to air brakes which have been calculated into the final score, if the vehicle is not equipped with those items.

(a) One point credit is given for inspecting each of the following items in each category listed for all vehicles:

1. Engine Compartment

oil level

coolant level

power steering fluid

water pump

alternator

air compressor

any leaks

2. Engine Start

clutch/gearshift

air buzzer sounds

oil pressure builds

ammeter/voltmeter

air brake check

steering play

parking brake

mirrors

windshield wipers

lighting indicators

horn

heater/defroster

safety/emergency equipment

(b) One point credit is given for inspecting each of the following items in each category listed for Truck/School Bus and Tractor:

1. Front Suspension

spring

spring mount

shock absorber

2. Front Brake

rims

hub oil seal

tires

lug nuts

3. Front Brake

slack adjustor

chamber

hoses

drums

4. Driver/Fuel Area

door, mirror

fuel tank

leaks

5. Rear Wheels (front or front and rear if applicable)
 - rims
 - tires
 - axle seals
 - lug nuts
 - spacers
6. Rear Suspension (front or front and rear if applicable)
 - springs
 - spring mounts
 - torsion, shocks
7. Rear Brakes (front or front and rear if applicable)
 - slack adjustor
 - chamber
 - hoses
 - drum
8. Front of Vehicle
 - lights
 - steering box
 - steering linkage
9. Under Vehicle - Rear of Tractor
 - drive shaft
 - exhaust system
 - frame
10. School Bus Only
 - passenger entry
 - emergency exits

seating

11. Tractor Only

air/electric lines

catwalk

Coupling System

mounting bolts

safety latch

platform

release arm

kingpin/apron

Sliding 5th Wheel

locking pins

lights, reflectors

splash guards

12. Rear of Vehicle

lights, reflectors

signal/brake lights

(c) One point credit is given for inspecting each of the following items in each category listed for a Trailer:

1. Trailer Front

air/electric connect

header board

lights/reflectors

2. Side Trailer

landing gear

lights/reflectors (doors, tiers)

- frame
- 3. Wheels (front or front and rear if applicable)
 - rims
 - tires
 - axle seals
 - lug nuts
 - spacers
- 4. Suspension (front or front and rear if applicable)
 - springs
 - spring mounts
- 5. Brakes (front or front and rear if applicable)
 - slack adjustor
 - chamber
 - hoses
 - drum
- 6. Rear or Trailer
 - lights/reflectors
 - doors, ties

(4) Basic Control Skills Test (all vehicles except Class C):

(a) There are three forms of the Basic Control Skills Test, each containing four exercises out of a possible six:

- 1. Form 1
 - straight line backing
 - alley dock
 - sight side parallel park
 - conventional parallel park

2. Form 2

right turn

alley dock

conventional parallel park

backward serpentine

3. Form 3

straight line backing

alley dock

conventional parallel park

backward serpentine

(b) The six exercises are scored as follows:

1. Right Turn

-pullup (1 to 5 points for each pullup)

-encroachments (1 to 5 points for each encroachment)

-clearance (1 to 5 points for each 6" or more from first 6" line)

2. Alley Dock

-pullups (1 to 5 points for each pullup)

-encroachments (1 to 5 points for each encroachment)

-clearance (1 to 5 points for each 6" or more from first 6" line)

3. Straight Line Backing

-pullup (1 to 5 points for each pullup)

-encroachments (1 to 5 points for each encroachment)

-stop line (2') (1 point)

4. Back Serpentine

-pullup (1 to 5 points for each pullup)

- encroachments (1 to 5 points for each encroachment)
- 5. Conventional Parallel Park (blind side)
 - pullup (1 to 5 points for each pullup)
 - encroachments (1 to 5 points for each encroachment)
 - inside (1 point)
 - rear (18") (1 point)
- 6. Sight Side Parallel Park
 - pullups (1 to 5 points for each pullup)
 - encroachments (1 to 5 points for each pullup)
 - inside (1 point)
 - rear (18") (1 point)

(c) Passing scores for the Basic Control Skills Test are as follows:

FORM 1	-	16 errors or less
FORM 2	-	14 errors or less
FORM 3	-	12 errors or less

(5) Road Test (all vehicles)

(a) A road test route should contain the following maneuvers:

- four left turns
- four right turns
- straight section of urban business street
- two stop intersections
- one railroad crossing (actual or simulated)
- one curve, either to the left or to the right
- section of expressway OR two-lane rural or semi-rural road
- downgrade

- simulated downgrade
- upgrade
- downgrade for stopping
- upgrade for stopping
- one underpass, or low clearance, or a bridge

(b) Maneuvers are scored as follows:

1. Left and right turns (1 point each for each 4 turns)

Approach

traffic check

signal, deceleration coast, lane

If Stop

necessary, gap stop line

full stop, wheels straight

Turning

traffic check

both hands, gears

speed, wide/short

Complete Turn

traffic check

correct lane

signal, accelerate, right

2. Urban/Rural sections (1 point each)

- regular traffic checks
- selects proper lane
- keeps vehicle in lane
- lane changes, traffic check, signal, space, smooth change to left

- lane changes, traffic check, signal, space, smooth change to right

3. Start/Stop on Grade (1 point each for upgrade and downgrade)

Approach

traffic check

signal on

correct lane, deceleration

not coast

Stop

parallel, not roll

signal off/4-ways on

parking brake on

Resume

traffic check, 4-ways off

signal, parking brake

not stall engine

traffic check, accelerate

4. Curve (1 point for each item listed)

speed: enter, through

stay in lane

traffic checks

5. Drive Up Grade (1 point for each item listed)

proper gear

keep right, 4-ways if slow

traffic checks

6. Drive Down Grade (1 point for each actual and simulated)

in proper gear
brake, clutch
steady speed
traffic checks

7. Railroad Crossing (1 point for each item listed)

traffic check
law, gears, stop

8. Bridge/Underpass (1 point for each item listed)

knew weight/clearance

9. Expressway (1 point for each item listed)

Merge On

- traffic check, signal, spacing, no stop, merge, cancel signal

Lane Changes

- traffic check, signal, spacing, smooth change, cancel signal to left
- traffic check, signal, spacing smooth change, cancel signal to right

Exit

traffic check, signal
smooth merge to exit lane
decelerate in exit lane
ramp speed, spacing, cancel signal

10. General Driving Behavior (1 point for each category listed)

- used clutch properly (shifting, double clutched, didn't ride)
- used gears properly (over-rev/lug engine, clash gears, coast)
- used brakes properly (smooth braking, no riding or pumping)
- proper steering (both hands on wheel, no over/under control)

- obeyed all traffic signs and signals
- drove without an accident
- never put vehicle over sidewalks, lanes, stop lines, etc.

(c) Passing score for road test is 25 errors or less for all vehicles.

(d) One point credit is given for inspecting each of the following items in each category listed for Coach/Transit Buses:

1. Front of Vehicle

lights

Passenger Items

passenger entry

emergency exits

seating

2. Driver/Entry Area

window/door mirror

3. Front Brakes/Suspension

air leak

4. Front Wheel

rims

hub oil seal

tires

lug nuts

5. Fuel Tank Area

fuel tank

6. Baggage Compartments

emergency equipment

doors secure

7. Rear Wheels (front or front and rear if applicable)
rims
tires
axle seals
lug nuts
spacers
8. Brakes/Suspension (front or front and rear if applicable)
air leaks
9. Rear of Vehicle
lights, reflectors
signals/brake lights

(e) Passing scores for the Vehicle Inspection Test are as follows:

1. Tractor-Trailer Passing Scores

With air brakes

- 3 axle tractor, 2 axle trailer 84
- 3 axle tractor, 1 axle trailer 76
- 2 axle tractor, 2 axle trailer 76
- 2 axle tractor, 1 axle trailer 66

No air brakes

- 3 axle tractor, 2 axle trailer 75
- 3 axle tractor, 1 axle trailer 71
- 2 axle tractor, 2 axle trailer 71
- 2 axle tractor, 1 axle trailer 66

2. Straight Truck/Bus Passing Scores

	Straight Truck	School Bus	Coach/TransitBus
With air brakes			
3 axles	55	58	37
2 axles	46	48	33
No air brakes			
3 axles	52	55	36
2 axles	39	42	32

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A Sec. 40-16-5(c).

1-1-.13 Third Party Tester Program. Amended.

(1) Definitions.

(a) Cancellation. A Tester's or Examiner's certification is terminated by the Department because of some error defect in the certification or because the Tester or Examiner is no longer entitled to such certification. The cancellation of certification is without prejudice, and application for a new certification may be made at any time after such cancellation.

(b) CDL. A commercial driver's license issued pursuant to O.C.G.A. § 40-5-140 et. seq. which authorizes an individual to operate a class of commercial motor vehicles.

(c) Department. The Georgia Department of Motor Vehicle Safety.

(d) Examiner. Any natural person, not an employee of the Department of Motor Vehicle Safety, who is certified by the Department of Motor Vehicle Safety as a Third Party Examiner to administer Commercial Driver's License testing through a Third Party Tester.

(e) Monitor. Department of Motor Vehicle Safety employee responsible for conducting random examinations, inspections and audits of Third Party Testers and Examiners for compliance with federal and state laws and regulations.

(f) Revocation. A Tester's or Examiner's certification is terminated by formal action of the Department, which privilege shall not be subject to renewal or restoration, except that an application for a new license may be presented to and acted upon by the Department after the expiration of the applicable period of time prescribed by the Department. A revocation shall be for a period of at least one (1) year or indefinitely.

(g) Suspension. A Tester's or Examiner's certification is temporarily withdrawn by formal action of the Department, which temporary withdrawal shall be for a period specifically designated by the Department.

(h) Tester. Any employer or school engaged in conducting commercial driver's license testing through Third Party Examiners.

(2) Minimum Requirements for Examiners.

(a) Must be trained and certified to conduct skills testing for CDL's by the Department or its authorized representatives.

(b) Must comply with the following:

1. Must have a high school diploma or its equivalent.
2. Must be a regular employee of the employer and recommended by the employer or must be a contracting Trainer/Examiner.
3. Shall not be a convicted felon.
4. Shall not have been convicted of any serious moving violation as defined under the Commercial Motor Vehicle Safety Act of 1988 within three (3) years prior to application.
5. Shall not have been enrolled or participated in a state approved Risk Reduction Program.
6. Must be qualified as a Commercial Motor Vehicle Operator and must either possess or be eligible for a CDL of the classification for which the Examiner will be conducting tests.
7. Must successfully complete the Department's prescribed course in CDL classroom instruction and behind the wheel examination.
 - (i) Must pass all CDL Knowledge and Endorsement Tests on the first day of the training session.
 - (ii) Upon completion of specialized training in classes A, B, and C, the Examiner will be issued a certification card qualifying them to examine applicants for skills in license classes equal to their training certification.
8. Must possess a current and valid certification identification card which shall be evidence of the Examiner's certification status.
9. An Examiner whose certification has expired shall not administer any part of the CDL examination until completion of one of the following:
 - (i) An Examiner with expired certification may be recertified within two (2) years after expiration by performing a CDL examination to the satisfaction of the Department.
 - (ii) If more than two (2) years has lapsed since expiration, the Examiner must successfully complete the Department's prescribed course in CDL classroom instruction and behind the wheel examination for recertification.

10. Must conduct at least ten (10) CDL tests per calendar year. Failure to do so will result in suspension from conducting further CDL tests.

(3) Minimum Requirements for Testers.

(a) Must have an established business.

(b) Must have a fleet of not less than 25 commercial motor vehicles registered in Georgia or be a Technical/Vocational School, or a Public School System.

(c) Must maintain adequate driver records reflecting the driver history of each Examiner.

(d) Must enter into a Commercial Driver's License Third Party Tester Agreement with the Department.

(e) Agree to have the Third Party Tester Program monitored by the Department and the Federal Motor Carrier Safety Administration.

1. The skills test plan must be approved by an authorized member of the Department prior to being used.

2. All Examiners must submit to the Monitor a testing schedule for all testing to be conducted. This schedule will be submitted and received on Friday prior to the week of testing. A 24-hour notice will be given for cancellation. The Monitor may approve changes in schedule as necessary. Testing at times and dates not submitted on the schedule or Monitor approved changes will violate the agreement between the Tester and the Department.

(f) Must ensure that all examiners employed by the Tester are certified by the Department and that the Examiners comply with the Department Rules and Regulations, all applicable state and federal laws, and Department instructions.

(4) Test Administration

(a) Skill tests will be conducted strictly in accordance with policy used by the Department CDL Examiners. Such instruction may include information on skills test content, route selection/revision, test forms, Examiner procedures, and administration procedures and/or changes.

(b) Skills tests shall be conducted:

1. On test routes approved by the Department.

2. In a vehicle representative of the class and type of vehicle for which the CDL applicant seeks to be certified and for which the Examiner is qualified to test.

3. Using the Department approved content, forms, and scoring procedures.

4. Only on approved days of the week during daylight hours only.

(c) Only licensed Georgia drivers or drivers with approval from the Department may be tested.

(d) Examiners must complete each CDL test before beginning another test and may not start a test within two (2) hours of starting the previous test.

(e) Examiners shall not administer any part of a CDL test unless the Examiner's certification identification card is current and valid and the Examiner is wearing or visibly displaying the card on the Examiner's person.

(5) Record Files to be maintained by Tester:

(a) Third Party Examiner file:

1. A copy of each Examiner's current certification identification card with photograph.
2. A copy of Examiner's MVR (current update, a minimum of once per year).
3. Examiner and Tester Certifications must be displayed.
4. Tester must maintain these records for the previous two (2) years and for the current year.
5. Tester must maintain these records on an Examiner for at least two (2) years after that Examiner leaves the Tester's employment.

(b) CDL applicants tested:

1. A copy of DS 1235 (score sheet) on each applicant tested (passing or failing copies).
2. A copy of instructional permit or commercial drivers license
3. A signed acknowledgement of retest policy.

(6) Notification Requirements.

(a) Testers must:

1. Notify the Department in writing 30 days prior to any change in the Tester's name and/or address.

2. Notify the Department in writing within two days of any change in:

(i) The Examiners who are employed by the Tester; and

(ii) Any Examiner's driving status.

3. Notify the Department in writing within ten days of any of the following occurrences:

(i) The Tester ceases to do business in Georgia.

- (ii) The Tester fails to comply with any of the Department's requirements.
 - (iii) Examiner receives notice from the Department of any driver's license suspension, revocation, disqualification, cancellation or DUI conviction.
 - (iv) Any Examiner fails to comply with any of the Department's requirements.
4. Request and obtain approval from the Department of any proposed changes in the skills test(s) route(s), test content, or Examiner administrative procedures.
- (b) The Examiner shall notify the Department within ten days of leaving the employ of a Tester.
- (c) Reports to the Department:
- 1. A copy of skills test roster of applicants tested.
 - 2. A copy of test schedules.
- (d) All files for the previous two (2) years and for the current year shall be maintained.
- (7) Denial/Suspension/Revocation/Cancellation of Third Party Testing Program Certification.
- (a) The Department may deny any application for a Tester's or Examiner's certification or cancel certification if the applicant does not qualify for certification under these rules. Misstatements or misrepresentations in the application may be grounds for cancellation.
- (b) Any Tester or Examiner may relinquish a certification upon thirty days written notice to the Department. All forms, manuals, or supplies that the Department has furnished, including certification and certification identification cards of Examiners shall be surrendered.
- (c) The Department may cancel the Third Party Testing Program provided for in these requirements in its entirety or may cancel it in part.
- (d) The Department may suspend or revoke a Tester's or Examiner's certification upon any of the following grounds:
- 1. Failure to comply with or satisfy any of the provisions of these requirements, the Department's instructions or the Third Party Tester agreement.
 - 2. Falsification of any records or information relating to the Third Party Testing Program.
 - 3. Commission of any act which compromises the integrity of the Third Party Program.
 - 4. Failure to fully cooperate with the Monitor, including providing the Monitor access to:
 - (i) all Third Party Tester Program documents and records;
 - (ii) any facility where testing is performed; or

5. For the Examiner, driver's license suspension, revocation, recall, or disqualifications.

(e) If the Department determines that grounds for cancellation of certification exists for failure to comply with or satisfy any of these requirements or the Third Party Tester Agreement, the Department may postpone action and allow the Tester or Examiner thirty days to correct the deficiency.

(f) Suspension/Revocation and Appeal Procedures.

1. Upon determining that a Tester's or Examiner's certification should be suspended, revoked, or cancelled the Department shall notify the Tester or Examiner by certified mail, return receipt requested. Such notice shall be deemed received three (3) days after mailing.

2. The notification shall notify the Tester or Examiner of the following requirements:

(i) That the Tester or Examiner may, within 15 days of receipt of the notice, request a hearing. The request must be in writing and received by the Department within the 15 day period specified.

(ii) That if the Department does not received a written hearing request within the 15 day period:

(A) Any rights to an appeal and hearing shall be considered to have been waived; and

(B) The suspension, revocation, or cancellation will be effective upon the expiration of the 15 day period.

3. Upon receipt of a timely, written hearings request, the Department shall schedule a hearing before a designated hearing officer of the Department.

4. The hearing and appeal procedures shall be as specified in Ga. Admin. Comp. Ch. 570-1-.06.

5. A Tester or Examiner who timely requests a hearing may continue to administer CDL testing pending issuance of a final decision by the Administrative Law Judge.

(g) Emergency Order.

1. If the Department determines that a Tester's or Examiner's certification should be suspended, revoked, or cancelled and that the public health, safety, or welfare imperatively requires emergency action, the Department is, upon expressly so finding, authorized to issue an emergency order suspending or revoking the Tester's or Examiner's certification.

2. The Emergency Order shall incorporate such a finding and shall notify the Tester or Examiner of the following requirements:

(i) The Emergency Order is effective upon receipt of the Order.

(ii) The Tester or Examiner may, within 15 days of receipt of the notice, request a hearing. The request must be in writing and received by the Department within the 15 day period specified.

(iii) If the Department does not receive a written hearing request within the 15 day period, any rights to an appeal and hearing shall be considered to have been waived.

3. The Order shall be served on the Tester or Examiner by personal delivery or certified mail, return receipt requested.

4. Upon receipt of a timely, written hearing request:

(i) The Department shall schedule a hearing before a designated Department hearing officer.

(ii) The hearing shall be scheduled within 30 working days of receipt of the hearing request, unless the Tester or Examiner requests or consents to a continuance.

(iii) This shall be a preliminary hearing at which the hearing officer determines whether the public health, safety, or welfare continues to imperatively require emergency action.

(A) If the emergency action is upheld, the suspension, revocation, or cancellation remains in effect and the appeal procedure shall proceed as set forth above.

(B) If the emergency action is reversed, the Tester or Examiner may be restored to administering CDL testing pending completion of the appeal proceedings.

5. A Tester or Examiner who timely requests a hearing may not continue to administer CDL testing pending issuance of a decision by the Department hearing officer.

(h) Reinstatement. A Tester or Examiner may apply for certification reinstatement at the end of a suspension period.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.14 Commercial Driver Out-of-Service Notification.

DS Form 1256 shall be used by all law enforcement officers who are empowered to enforce the traffic laws in this state. DS Form 1256 shall be used by an officer to place the driver of a commercial motor vehicle out of service, pursuant to O.C.G.A. § 40-5-152. Form 1256 will be a 8.5" wide X 11" long, four part snap out design. The officer shall forward the original copy to the Department of Motor Vehicle Safety. The officer shall mail the second copy to the commercial driver's employer. The officer shall retain the third copy of Form 1256. The officer shall give the fourth copy to the driver as official notification of being placed out-of-service.

Authority O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.15 Disqualification From Driving A Commercial Motor Vehicle.

Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders.

(a) A driver who is convicted for a first violation of an out-of-service order is disqualified for a period of 90 days.

(b) A driver who is convicted of two violations of out-of-service orders, in separate incidents, is disqualified for a period of one year.

(c) A driver who is convicted of three or more violations of out-of-service orders, in separate incidents, is disqualified for a period of three years.

(d) A driver is disqualified for a period of 180 days if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Federal Hazardous Materials Transportation Law (49 U.S.C. Chapter 51), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver.

(e) A driver is disqualified for a period of three years if the driver is convicted of any subsequent violations of out of service orders, in separate incidents, while transporting hazardous material required to be placarded under the Federal Hazardous Materials Transportation Law (49 U.S.C. Chapter 51), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver.

Authority O.C.G-A. Sec. 40-15-156 and O.C.G.A. Sec. 40-16-5(c).

1-1-.16 School Bus Endorsement; Waiver

(1) Any person who operates a school bus must possess a commercial driver's license with a passenger vehicle endorsement and a school bus endorsement.

(2) Notwithstanding the provisions set forth in paragraph (1) above, any person who currently possesses a driver's license with a passenger vehicle endorsement to operate a school bus as of September 30, 2003, shall not be required to obtain a school bus endorsement until either the renewal date of the commercial driver's license or September 30, 2005, whichever first occurs.

(3) Any person who desires to operate a school bus who does not possess a commercial driver's license with a passenger vehicle endorsement as of September 30, 2003, shall be required to obtain a passenger vehicle endorsement and a school bus endorsement.

(4) A driver must satisfy the following requirements in order to obtain a school bus endorsement:

(a) Qualify for the passenger vehicle endorsement.

(b) Pass the knowledge test. This test shall examine the driver's knowledge of the following areas:

(i) Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights and other warning and passenger safety devices required for school buses by Georgia law or federal law or regulation.

(ii) Emergency exits and procedures for safely evacuating passengers in an emergency.

(iii) State and Federal laws and regulations related to safely traversing highway rail grade crossings.

(c) Pass the skills test. The driver must take a driving skills test in a school bus that is of the same vehicle group of the school bus the driver will operate.

(5) Between October 1, 2003 and September 30, 2005, the Department may grant a driver a waiver from fulfilling the requirements of the driving skills test if the driver is currently licensed, has experience driving a school bus, has a good driving record, and satisfies the following requirements:

(a) The driver must certify that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:

(i) Held a valid commercial driver's license with a passenger vehicle endorsement to operate a school bus representative of the group he or she will drive;

(ii) Has not had his or her driver's license or commercial driver's license suspended, revoked, or canceled or been disqualified from operating a commercial motor vehicle;

(iii) Has not been convicted of any of the disqualifying offenses set forth in 49 C.F.R. 383.51(b) while operating a commercial motor vehicle or of any offense in a non-commercial motor vehicle that would be disqualifying under 49 C.F.R. 383.51(b) if committed in a commercial motor vehicle;

(iv) Has not been convicted of any offense in a non-commercial motor vehicle that would be a serious traffic offense under O.C.G.A. §40-5-151(a) if committed in a commercial motor vehicle;

(v) Has not had more than one (1) conviction of any of the serious traffic violations defined in 49 C.F.R. 383.5, while operating any type motor vehicle;

(vi) Has not had any conviction for a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident;

(vii) Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and,

(viii) Has been regularly employed as a school bus driver, has operated a school bus representative of the group the applicant seeks to drive, and provides evidence of such employment.

Authority: O.C.G.A. Sec. 40-5-142, O.C.G.A. Sec. 40-5-150, O.C.G.A. Sec. 40-16-5(c), 49 C.F.R. 383.